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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Apple et al.

Serial No.: 09/451,574

Filed: November 30, 1999

For: Dual Concentric Robotic High Performance Automated Tape Cartridge System

§ Group Art Unit: 3652

§ Examiner: Lillis, Eileen Dunn

§ Attorney Docket No.: 99-049-MIS

§ Certificate of Mailing Under 37 C.F.R. § 1.8(a)
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August 4, 2004

By: Amy Miller

Amy Miller

TRANSMITTAL DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ENCLOSED HEREWITH:

- Replacement Supplemental Appellant's Brief (in triplicate) (37 C.F.R. 1.192);
- Japanese disclosure; and
- Our return postcard.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to Storage Technology Corporation Deposit Account No. 19-4545. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Storage Technology Corporation Deposit Account No. 19-4545.

Respectfully submitted,

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GROUP 3600

Commissioner for Patents
P.O. Box 1450
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ATTENTION: Board of Patent Appeals
and Interferences

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By:

Amy Miller
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REPLACEMENT SUPPLEMENTAL APPELLANT'S BRIEF

This supplemental brief is in response to the Appeal Board remanding the application to the Examiner on 10/15/2003 and the transmission to Applicants of a document, mailed 02/10/2004, in which the Examiner made no change to the rejection.

No fees are believed due; however authorization for any necessary fees and any required petition for extension of time for filing this brief are dealt with in the accompanying TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF.

This supplemental brief is transmitted in triplicate. (37 C.F.R. 1.192(a))

REMARKS

Applicants wish to thank the Appeal Board for requiring a translation of the Japanese document and to thank the examiner for her help in obtaining a copy of this translation.

After reviewing the translation provided, Applicants submit that the text of the translation appears to support Applicants' assertion that the Japanese disclosure discusses two robots serving two separate arrays of stored items, rather than two robots serving a single array. The document states,

This panel conveyer 1 has two-line composition of A line and B lines. Panel conveyer 1A by the side of A line takes charge of small panel 10A. ... Moreover, panel conveyer 1B by the side of B lines takes charge of large sized panel 10B.¹

This clearly indicates that there are two separate "lines" for retrieving the panels handled by the robotic arms: line A for small panels and line B for large panels. The very size of the storage spaces is different, as well as the panels being handled, as evidenced by the drawings and the disclosure. Although the machine-assisted translation is difficult to read, it is submitted that the rest of the translation supports the assertion that these two separate lines are each served by their own robotic unit, acting on their own separate array of storage areas and handling either large panels or small panels. It is submitted that the Japanese patent document thus does not suggest a single array of stored elements, whether they be panels or data storage modules. Rather, the Japanese patent document is clearly talking about a stored array of small panels that are served by a first robot arm and a stored array of large panels that are served by a second robot arm.

In contrast, Claim 22

22. A data storage and retrieval system adapted to operate within a library service module having an array of cells configured to receive data storage units, the system comprising:

a first robot unit, wherein the first robot unit transports a data storage unit to and from the array of cells; and

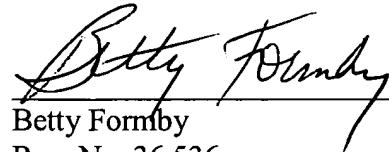
a second robot unit, located within the array of cells, wherein the second robot unit, independently with respect to the first robot unit, manipulates data storage units placed in the array of cells.

¹ Machine-assisted translation of JP6-40505-A, paragraph 17 on page 10

It is submitted that the claim to a single array of storage cells served by two independent robot units provides a distinction over the Japanese art, which shows two different arrays of cells, each array served by its own robot unit. It is therefore submitted that the rejection of Claim 22 over the Japanese patent has been overcome.

The Board of Appeals is respectfully requested to overturn the rejection of this claim and the other claims under appeal.

Sincerely,



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